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PTO/SB/01 (03-01)  
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<b>DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION</b> (37 CFR 1.63)	Attorney Docket Number	36992.00080
	First Named Inventor	Akira Fujibayashi
	<b>COMPLETE IF KNOWN</b>	
	Application Number	Unknown/
	Filing Date	Unknown
	Group Art Unit	Unknown
<input checked="" type="checkbox"/> Declaration Submitted With Initial Filing	OR	<input type="checkbox"/> Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16 (e)) required)
Examiner Name		Unknown

As a below named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

APPARATUS AND METHOD FOR ONLINE DATA MIGRATION WITH REMOTE COPY

the specification of which (Title of the Invention)

☒ is attached hereto

OR

☐ was filed on (MM/DD/YYYY) [ ] as United States Application Number or PCT International

Application Number [ ] and was amended on (MM/DD/YYYY) [ ] (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims as amended specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY) Country	Priority Not Claimed	Certified Copy Attached?	
				YES	NO
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto:

[Page 1 of 2]

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**DECLARATION — Utility or Design Patent Application**

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Squire, Sanders &amp; Dempsey LLP

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Address

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CA

94304

City

State

ZIP

U.S.A.

(650) 856-6500

(650) 856-3619

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

NAME OF SOLE OR FIRST INVENTOR:

☐ A petition has been filed for this unsigned inventorGiven Name Akira  
(first and middle [if any])Family Name Fujibayashi  
or SurnameInventor's  
Signature

Akira Fujibayashi

Date 8/7/2001

San Jose

State

Country

Citizenship

Residence: City

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City

State

Zip

Country

NAME OF SECOND INVENTOR:

☐ A petition has been filed for this unsigned inventorGiven Name Akira  
(first and middle [if any])Family Name Yamamoto  
or SurnameInventor's  
Signature

Akira Yamamoto

Date 8/7/01

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☐ Additional inventors are being named on the \_\_\_\_\_ supplemental Additional Inventor(s) sheet(s) PTO/SB/02A attached hereto.

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**POWER OF ATTORNEY OR  
AUTHORIZATION OF AGENT**

Application Number	Unknown
Filing Date	Unknown
First Named Inventor	Akira Fujibayashi
Group Art Unit	Unknown
Examiner Name	Unknown
Attorney Docket Number	36992.00080

I hereby appoint:

☐ Practitioners at Customer Number  
ORPlace Customer  
Number Bar Code  
Label here☒ Practitioner(s) named below:

## Name/ Registration Number

Marc A. Sockol, Reg. No. 40,823; Daryl C. Josephson, Reg. No. 37,365; Arnold de Guzman, Reg. No. 39,955; Cameron Kerrigan, Reg. No. 44,826; Patrick D. Benedicto, Reg. No. 40,909; David B. Abel, Reg. No. 32,394; Nathan Lane, Reg. No. 43,738; Lorinda Howland, Reg. No. 42,671; Michael Lechter, Reg. No. 27,350; David Koo, Reg. No. 46,839; David Rogers, Reg. No. 38,287; William Bachand, Reg. No. 34,980; Aaron Wininger, Reg. No. 45,229; Paul A. Durdik, Reg. No. 37,819; Paul J. Meyer 47,791; Victoria L. Nicholson, Reg. No. 47,823; and Fariba Sirjani, Reg. No. 47,947.

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the Patent and Trademark Office connected therewith.

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I am the:

☒ Applicant/Inventor.☐ Assignee of record of the entire interest. See 37 CFR 3.71.

Certificate under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

**SIGNATURE of Applicant or Assignee of Record**

Name Akira Fujibayashi

Signature *Akira Fujibayashi*

Date 8/7/2001

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

**SIGNATURE of Applicant or Assignee of Record**

Name Akira Yamamoto

Signature *Akira Yamamoto*

Date 8/7/2001

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☒ \*Total of 1 form is submitted.

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OCTOBER 17, 2001

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SQUIRE, SANDERS & DEMPSEY L.L.P.  
PATRICK D. BENEDICTO  
600 HANSEN WAY  
PALO ALTO CA 94304-1043



\*101814128A\*

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BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

FUJIBAYASHI, AKIRA

DOC DATE: 08/07/2001

ASSIGNOR:

YAMAMOTO, AKIRA

DOC DATE: 08/07/2001

ASSIGNEE:

HITACHI, LTD.  
6, KANDA SURUGADAI, 4-CHOME,  
CHIYODA-KU  
TOKYO,, JAPAN 101-8010

SERIAL NUMBER: 09227167  
PATENT NUMBER:

FILING DATE: 01/07/1999  
ISSUE DATE:

DATES ENTERED no Ref

STEVEN POST, EXAMINER  
ASSIGNMENT DIVISION  
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OCT 22 2001

BY rs CALENDARED  
ATTORNEY  
SQUIRE, SANDERS & DEMPSEY

08-17-2001

Form PTO-1595  
(Rev. 03/01)  
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101814128

To the Honorable Commissioner of Patents and Trademarks: Please Record the attached original documents or copy thereof.

## 1. Name of conveying party(ies):

Akira Fujibayashi  
Akira Yamamoto

08/10/01

Additional name of conveying party(ies) attached? ☐ Yes ☒ No

## 2. Name and address of receiving party(ies)

Name: Hitachi, Ltd.

Internal Address: \_\_\_\_\_

10857 U.S. PTO  
09/22/01  
08/16/01

## 3. Nature of conveyance:

- ☒ Assignment ☐ Merger  
☐ Security Agreement ☐ Change of Name  
☐ Other \_\_\_\_\_

Execution Date: August 7, 2001Street Address: 6, Kanda Surugadai, 4-Chome, Chiyoda-kuCity: Tokyo, Japan State: \_\_\_\_\_ Zip: 101-8010Additional Name(s) & address(es) attached? ☐ Yes ☒ No

## 4. Application number(s) or patent number(s):

09/227167

If this document is being filed together with a new application, the execution date of the application is: August 7, 2001

A. Patent Application No.(s)

B. Patent No.(s)

Additional numbers attached? ☐ Yes ☒ No

## 5. Name and address of party to whom correspondence concerning this document should be mailed:

Name: Patrick D. Benedicto, Reg. No. 40,909Internal Address: Squire, Sanders & Dempsey L.L.P.600 Hansen WayStreet Address: 600 Hansen WayCity: Palo Alto State: CA Zip: 94304-10436. Total number of applications and patents involved: 17. Total fee (37 CFR 3.41) .....\$ 40.00

- ☐ Enclosed  
☒ Authorized to be charged to deposit account

## 8. Deposit account number:

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## 9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Patrick D. Benedicto  
Name of Person Signing

Patrick D. Benedicto  
Signature

August 10, 2001  
Date

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08/17/2001 6TON11 00000020 050150 09927167

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## ASSIGNMENT

(1-4) *Insert Name(s) of Inventor(s)*(1) Akira Fujibayashi (3) \_\_\_\_\_(2) Akira Yamamoto (4) \_\_\_\_\_

For good and valuable consideration receipt of which is hereby acknowledged, the undersigned agree(s) to assign, and hereby do(es) assign, transfer and set over to:

(9) *Insert name of Assignee* (9) Hitachi, Ltd.(10) *Insert state of incorporation of Assignee* (10) Japan(11) *Insert address of Assignee* (11) of 6, Kanda Surugadai, 4-Chome, Chiyoda-ku Tokyo 101-8010 JAPAN  
(hereinafter designated as the Assignee) the entire worldwide right, title and interest in the invention known as(12) *Insert Identification of Invention, such as Title, Case Number or Foreign Application Number* (12) Apparatus and Method for Online Data Migration with Remote Copy  
(Case No. 36992.00080), (Serial No. Unknown) for which the undersigned has (have) executed an application for patent in United States of America(13) *Insert Date of Signing of Application* (13) on August 7, 2001

1) The undersigned agree(s) to execute all papers necessary in connection with the application and any continuing or divisional applications thereof and also to execute separate assignments in connection with such applications as the Assignee may deem necessary or expedient.

2) The undersigned agree(s) to execute all papers necessary in connection with any interference which may be declared concerning this application or continuation or division thereof and to cooperate with the Assignee in every way possible in obtaining evidence and going forward with such interference.

3) The undersigned agree(s) to execute all papers and documents and perform any act which may be necessary in connection with claims or provisions of the International Convention for Protection of Industrial Property or similar agreements.

4) The undersigned agree(s) to perform all affirmative acts which may be necessary to obtain a grant of a valid United States patent to the Assignee.

5) The undersigned hereby authorize(s) and request(s) the Commissioner for Patents and the duly constituted authorities of foreign countries to issue any and all Letters Patents resulting from said application or any division or divisions or continuing or reissue applications thereof to the said Assignee, its successors and assigns, as Assignee of the entire right, title and interest, and hereby covenants that he has (they have) full right to convey the entire interest herein assigned, and that he has (they have) not executed and will not execute, any agreement in conflict herewith.

6) *The undersigned hereby grant(s)*

Marc A. Sockol, Reg. No. 40,823; Daryl C. Josephson, Reg. No. 37,365; Arnold de Guzman, Reg. No. 39,955; Cameron Kerrigan, Reg. No. 44,826; Patrick D. Benedicto, Reg. No. 40,909; David B. Abel, Reg. No. 32,394; Nathan Lane, Reg. No. 43,738; Lorinda Howland, Reg. No. 42,671; Michael Lechter, Reg. No. 27,350; David Koo, Reg. No. 46,839; David Rogers, Reg. No. 38,287; William Bachand, Reg. No. 34,980; Aaron Wininger, Reg. No. 45,229; Paul A. Durdik, Reg. No. 37,819; Paul J. Meyer P47,791; Victoria L. Nicholson, Reg. No. 47,823; and Fariba Sirjani, Reg. No. 47,947.

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Date 8/7/2001

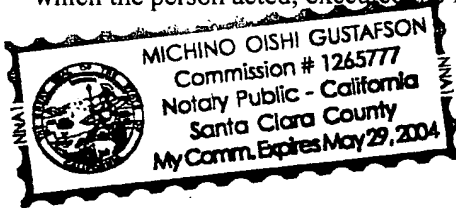
Akira Fujibayashi  
Akira Fujibayashi

STATE OF CALIFORNIA )

) ss.

COUNTY OF Santa Clara )

On Aug 7, 2001 before me, Michino Oishi Gustafson, personally appeared Akira Fujibayashi, personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity; and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.



WITNESS my hand and official seal

Michino Oishi Gustafson  
Notary Public

Date 8/7/2001

Akira Yamamoto  
Akira Yamamoto

STATE OF CALIFORNIA )

) ss.

COUNTY OF Santa Clara )

On Aug 7, 2001 before me, Michino Oishi Gustafson, personally appeared Akira Yamamoto, personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity; and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.



WITNESS my hand and official seal

Michino Oishi Gustafson  
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